Pr. (N. Y.) 97; see *Waterhouse* v. *Waterhouse*, 206 Pa. St. 433. As the Iowa statute provides quite absolutely that such an action on the ground of fraud must be brought within five years after the cause accrues, the principle of the present case seems insupportable. IOWA CODE, §§ 3447, 3448, 3453.

MARRIAGE — CREATION OF THE RELATION — COMMON LAW MARRIAGE AS AFFECTING BIGAMY. — The defendant, having entered into a common law marriage, was later married to another woman. *Held*, that the common law marriage supports an indictment for bigamy. *State* v. *Thompson*, 68 Atl. 1068 (N. J., Sup. Ct.).

For a discussion of the principles involved, see 20 HARV. L. REV. 576.

MUNICIPAL CORPORATIONS — GOVERNMENTAL POWERS AND FUNCTIONS — TAX LEVIED TO REIMBURSE OFFICERS FOR EXPENSES OF PRIVATE LITIGATION. — A petition was brought to restrain the payment of money by a town to reimburse its officers, who had been subjected to suits for damages by reason of arrests made for violation of the liquor law. *Held*, that the town is impliedly authorized to appropriate money for this purpose. *Leonard* v. *Inhabitants of Middleborough*, 84 N. E. 323 (Mass.). See NOTES, p. 625.

NUISANCE — RECOVERY OF DAMAGES — RECOVERY BY ONE HAVING NO RIGHTS IN PROPERTY AFFECTED. — Through the negligence of the defendant the water supply used in the plaintiff's hospital became infected and the plaintiff paid damages to patients injured thereby. The plaintiff, who had neither proprietary interest in, nor license to use, the water, sued the defendant for reimbursement. *Held*, that the plaintiff can recover. *Fergusson* v. *Malvern Urban District Council*, 72 J. P. 101 (Eng., K. B. D., Jan. 1908).

The authorities are divided on the question whether the plaintiff, to maintain an action on the case for nuisance affecting property rights, must himself have a proprietary interest in the property. But since all admit that if one has such an interest he can recover for an injury to his health alone, it seems more logical to allow an action irrespective of the property rights of the plaintiff. *Fort Worth Ry. Co.* v. *Glenn*, 97 Tex. 586; *contra*, *Ellis* v. *Kansas City R. R. Co.*, 63 Mo. 131. Though the plaintiff here had no right to have the flow of water continued, yet he was wronging no one in using it. It is true that he has not suffered physically, but only financially. But a man has been held liable for damages suffered by loss of custom to a boarding-house caused by his introducing contagious disease. *Smith* v. *Baker*, 20 Fed. 709. It seems, then, that the present case is right; for the plaintiff acting legally has been greatly injured through the negligence of the defendant in causing the spread of a dangerous disease, and there appears to be no just ground for refusing relief.

PAYMENT — APPLICATION — APPLICATION OF PAYMENT BY CREDITOR TO DEBT BARRED BY STATUTE OF LIMITATIONS. — A creditor holding two claims against a debtor, one of which was barred by the statute of limitations, applied a payment to the barred claim. *Held*, that the payment must be considered to have been made on the enforceable claim. *Charles* v. *Stewart*, 11 Ont. Wkly. Rep. 421 (Ont., Fifth Div. Ct., Jan. 2, 1908). See NOTES, p. 623.

RESTRAINT OF TRADE — STATE ANTI-TRUST LEGISLATION — COMBINATION OF PUBLIC SERVICE COMPANIES. — The New York Stock Corporation Law provides that "no corporation shall combine with any corporation or person for the creation of a monopoly or the unlawful restraint of trade or for the prevention of competition in any necessity of life." Under the Code of Civil Procedure, § 1798, the attorney-general applied to the court for leave to bring an action against the Consolidated Gas Company which, for the purpose of securing a monopoly, had purchased a controlling interest in the other companies supplying gas and electric light to the city of New York. *Held*, that permission is denied. *In the Matter of the Application of the Attorney-General*, 39 N. Y. L. J. 19 (N. Y., App. Div., Feb. 1908).

The court reasoned that this consolidation did not constitute an illegal mo-